

08/902,809

#3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klaus F. Schuegraf et al. Examiner:
Serial No.: 08/902,809 Group Art Unit: 2503
Filed: July 30, 1997 Docket: 303.278US1
Title: SELECTIVE SPACER TECHNOLOGY TO PREVENT METAL OXIDE
FORMATION DURING POLYCIDE REOXIDATION

RULE 1.47(a) PETITION TO FILE APPLICATION BY
OTHER THAN ALL INVENTORS

Assistant Commissioner for Patents
APPLICATION PROCESSING DIVISION
SPECIAL PROCESSING AND CORRESPONDENCE
Washington, D.C. 20231

Pursuant to 37 C.F.R. §1.47(a) and 35 U.S.C. §116, second paragraph, Applicants submit this Petition seeking permission to file the above-identified application (hereinafter "the application") without the signature of the following omitted inventor who has chosen not to respond to requests to execute the application:

Name: Klaus Florian Schuegraf
Last known address: 2305 So. Grandview Avenue
Tempe, Arizona 85282
(U.S. Citizen)

As set forth in more detail below, Applicants' legal representative have made a *bona fide* attempt to present the application and corresponding declaration to the omitted inventor for signature. The below-signed attorney, Russell D. Slifer, is a patent attorney employed by the firm of Schwegman, Lundberg, Woessner & Kluth, P.A., and representing Micron Technology, Inc. herewith, which is an assignee and owner of the application by assignment from co-inventors Scott Jeffrey DeBoer and Randhir P. S. Thakur, said assignment enclosed herewith.

In accordance with MPEP 409.03(a), Applicants have included a Declaration on their own behalf and on behalf of the omitted joint inventor. Applicants have also included the required fee of \$130.00 under 37 C.F.R. §1.17(h).

Applicants are including an Affidavit of Susan A. Johnson, who is believed to be the person having first hand knowledge of the details as set forth in this Petition, and believe that the Petition and Affidavit consist of acceptable proof as to why the inventor could not be reached and that reasonable efforts were attempted.

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Pertinent Facts Regarding Omitted Inventors' Refusal

Susan Johnson is a paralegal with the firm of Schwegman, Lundberg, Woessner & Kluth, P.A.

The above-identified omitted inventor is a former employee of Micron Technology, Inc., the owner and assignee of the application. The application relates to a technology which the omitted inventor worked on during his employment with Micron Technology, Inc.

Upon termination of his employment with Micron Technology, Inc., the omitted inventor, Klaus Schuegraf, provided a forwarding address as indicated above.

On October 20, 1997, a letter was sent to Mr. Schuegraf enclosing documents necessary for execution regarding the above-identified patent application. That letter was signed by Daniel J. Kluth, an attorney at Schwegman, Lundberg, Woessner & Kluth, P. A.. A copy of that letter is enclosed herewith as Exhibit A. Upon receipt of the Notice of Missing Parts dated December 8, 1997, a copy of the application and new Combined Declaration/Power of Attorney and an Assignment was mailed to Mr. Schuegraf, via Certified mail - Return Receipt Requested. A copy of the return receipt, signed December 17, 1997, is enclosed herewith as Exhibit B.

Applicants submit that the foregoing facts, as supported by the attached Affidavit of Susan A. Johnson, establish a *bona fide* attempt to comply with the provisions of Rule 47, and accordingly request that Applicants' Petition is granted.

Respectfully submitted,

KLAUS F. SCHUEGRAF ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6965

Date 2/9/98

By Russell D. Slifer

Russell D. Slifer
Reg. No. 39,838

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on February 9, 1998.

Diane Wimperis
Name

Signature

Diane Wimperis